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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8 WILLIAM HELM, et al., No. C 08-01184 SI  
9 Plaintiffs,  
10 v.  
11 ALDERWOODS GROUP, INC,  
12 Defendant.

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**ORDER DENYING DEFENDANT'S  
MOTION TO COMPEL DEPOSITION  
[Docket No. 194]**

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14 Defendant has filed a discovery motion seeking to compel the deposition of Heidi Fontaine, who  
15 submitted two affidavits in support of plaintiffs' motion for class certification. Ms. Fontaine is not  
16 currently a named plaintiff in this matter, and plaintiffs' counsel have stated that they are unable to  
17 contact or produce Ms. Fontaine for deposition. Defendant has apparently been unable to contact Ms.  
18 Fontaine at her last known address, or to obtain an updated address.

19 In light of the foregoing, the Court hereby STRIKES Ms. Fontaine's affidavits from the record  
20 and DENIES defendant's motion to compel deposition of Ms. Fontaine.

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22 **IT IS SO ORDERED.**

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24 Dated: October 28, 2009

  
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SUSAN ILLSTON  
United States District Judge

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